

BENTON COUNTY ELECTION COMMISSION

John M. Brown, Jr.
Chairman

Russell J. Anzalone
Secretary



Robbyn Tumey
Member

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MINUTES OF THE BENTON COUNTY ELECTION COMMISSION

February 17, 2012

Commission members present: John Brown, Jr., Robbyn Tumey, and Russ Anzalone

Others present: Tena O'Brien, Christine Southard, Sharon Rose, and Gwen Millegar

Media: Tom Sissom, Benton County Daily Record

Minutes:

Chairman Brown asked if there were any additions or corrections to the minutes of January 12, 2012. Chairman Brown asked Commissioners Anzalone and Tumey if they had any questions, or objections. There being none, Chairman Brown made a motion that the minutes from the January 12, 2012 meeting be approved as submitted, seconded by Commissioner Tumey. Motion carried by voice vote.

New Business:

A. Certification of Election Results for Gravette School District Election held on February 14, 2012:

Chairman Brown stated that the forty-eight (48) hour wait period had past and there are no outstanding military or provisional ballots. Chairman Brown stated that the vote count for the tax was 376 for and 59 against for a total of 435 votes casts. He reported that nine (9) absentee ballots and eleven (11) papers ballots were cast and that there were ten (10) under votes. He stated that the commissioners need to find out why these under votes occurred.

County Clerk Tena O'Brien asked Chairman Brown how many voters were in that district. Chairman Brown responded that there were 9,127. Chairman Brown made a motion to sign the Certification of Election results for the Gravette School District Election. Motion carried by voice vote. Chairman Brown asked the County Clerk O'Brien that since this was a bond issue, are five (5) copies required. County Clerk O'Brien stated that the Gravette School District did not request five (5) copies but it would be a good idea to certify five (5). Chairman Brown stated that the City of Gravette would also need a copy of the paper ballot.

Chairman Brown reported that the Election Commission would not be able to use the Bethel Heights Fire Station (Pct 48) for the upcoming election year. Christine stated that Sharon Rose had suggested contacting the Bethel Church of the Nazarene which is 1.5 miles from the fire station, or

the Pentecostal Gospel Lighthouse Church which is within walking distance from the fire station, or possibly inquiring at the Faith Full Gospel Church.

County Clerk O'Brien stated that she spoke with Rob Hammons, at the Secretary of State's Office, to get information on the petition drive currently being taken on the wet/dry issue. She stated that a group is gathering signatures on petitions to allow liquor sales in Benton County and the earliest that the group can submit the petitions to be certified is July 9, 2012, and that the deadline for submitting the petitions to place this issue on the November ballot, is August 8, 2012. She reported that the clerk's office has ten (10) days to certify 40,000 signatures, which is 38% of the total registered voters in Benton County. She explained that there is a ten (10) day period in which individuals can file an appeal in circuit court and that the Circuit Judge has thirty (30) days in which to render a decision. Commissioner Tumey asked County Clerk O'Brien if each signature and record is checked. County Clerk O'Brien responded yes and that the process is long because each record and signature is checked. Commissioner Tumey stated that in the 2008 and 2010 general elections, approximately 25,000 voters did not vote. She asked if the voter is considered inactive, and they sign the petition, is this considered a legitimate signature. Christine responded, that as long as the voter can be contacted to do an address change or correct what needs to be verified, then it can be accepted.

Discussion on the Preferential Primary Election to be held on May 22, 2012: Chairman Brown stated the commission needs to check on early voting locations in Bentonville, Bella Vista, Rogers, Siloam Springs, and a polling location for Bethel Heights. Christine gave copies of the press release regarding the ballot draw which will be published by March 2, 2012. Christine asked Commissioner Tumey to review the wording for the public notice and asked what date the notice should be published. Christine asked the commissioners if the publication for the ballot draw was acceptable to publish and they all agreed. Chairman Brown thanked County Clerk O'Brien for giving him a list of items that needs to be completed for the May 22, 2012 election. He also thanked Sharon, Dana, and Christine for the work that they put into the school election.

Old Business:

None

Public Comment:

Gwen Millegar stated that she could not believe the problems that the commission is having with the Secretary of State's office and that their website is not helpful. Gwen stated that she did not know where a citizen goes to complain. Commissioner Tumey suggested that she call Secretary of State, Mark Martin's office. Gwen responded that he does not answer the phone. Chairman Brown suggested that Gwen write a letter to the Secretary of State with her concerns. Commissioner Tumey stated that the website is more difficult than the previous one.

Announcements:

Commissioner Tumey asked County Clerk O'Brien if two (2) PDF forms for poll worker applications could be added to the election commission website. Commissioner Tumey stated that a voter interested in working could submit their form on line. County Clerk O'Brien asked Sharon to give a list to the commissioners of the poll workers requesting to work at the polls.

Christine stated that ES&S would be at the Election Commission office on February 27, 2012 to start working on the Ivotronics. Christine stated that there would be five (5) men working for at least a week on the machines and if the work is not completed, a couple of the men would stay until the job is complete. Christine also stated that she, Dana and Sharon went through all the frames and documented the problems and that a detailed list of the repairs will be emailed to Julian, who is the ES&S repair technician, and that the parts will be shipped to the election commission office. Commissioner Tumey asked Christine if the commission is paying for the work that is to be performed. Christine responded that the commission is required to pay for the batteries for the (50)

machines which were purchased in 2010. Commissioner Tumey asked if this included the software update. Christine responded that ES&S is taking care of the software and the firmware update at the same time and that the Secretary of State is sending a disc to update the ERM but it has not been received yet. Christine stated that according to Julian, the current ERM will work with the new firmware update and that it will give you an error, but will let you continue. Christine stated that the software update will be at the same time and completed by the Primary Election. Commissioner Tumey indicated that the software update is on the I votronics and the carriage return is on the paper. Christine stated that she was told by Dwayne McCormick, Supervisor with ES&S, that the update is for better reliability, additional menu options, and that the firmware has been state and federally certified. Christine reported that she has requested a copy of the details for Commissioner Tumey. Chairman Brown asked Christine if the Election Commission is responsible for any repairs to the frames and printers. County Clerk O'Brien responded that if any of the repairs are on any of the fifty (50) I votronics that the county purchased in 2010, then it will be the Election Commission's responsibility. Commissioner Tumey stated that the maintenance agreement that the State has should take care of the other I votronics. County Clerk O'Brien responded yes, unless it is a third party item. Christine asked if the I votronics originally came as one unit. Chairman Brown responded, yes. Christine asked if there was a list of the fifty (50) frames with serial numbers that the county purchased and a list of the frames that the State purchased. County Clerk responded that she only had a list of the I votronics, not the frames. Christine had a concern on how ES&S would be able to tell which frames were purchased after the initial purchase by the county. Commissioner Tumey stated there should have been an invoice from ES&S with serial numbers. County Clerk O'Brien stated that she did not have paperwork on the frames. Commissioner Tumey stated that ES&S should be able to produce a copy of an invoice with the serial numbers of the frames. Chairman Brown stated that the frames and screens came as one unit when originally delivered to the Election Commission. County Clerk O'Brien stated she would pull the contract and give the commissioners a copy.

County Clerk O'Brien asked Chairman Brown if he wanted to schedule another meeting. Chairman Brown responded, not at this time. County Clerk handed to the commissioners the ACECA conference information which will be held April 27, 2012 in Little Rock. Commissioner Tumey asked what the ACECA was. Chairman Brown explained that the ACECA is the Arkansas County Election Commissioners Association. He stated that at the last association meeting he attended, there were also county clerks and deputy county clerks. Christine stated that in many counties, the county clerk is the election coordinator. Commissioner Anzalone asked if it was a requirement to attend the conference. Chairman Brown responded that it is voluntary.

Chairman Brown asked for any other announcements. Christine stated that the notice from the party chairs to the county committees are due ten (10) days prior to the ballot draw. She asked if the commissioners wanted a press release or a letter. Chairman Brown responded that he would prefer to have a letter addressed directly to Republican Chair, Mike Sevak and Democrat Chair, Vivian Michaels. Chairman Brown reported that Arkansas Law requires notification of the ballot draw which will be held at 6:30 P.M. on March 8, 2012.

Commissioner Anzalone asked County Clerk O'Brien what was the procedure for absentee voting for the military. County Clerk O'Brien stated that they must fill out an Absentee Ballot Request Application. She reported that applications are available on the website, they can email a request to the clerk's office or, they can get this form from their consulate. Commissioner Anzalone asked if there would be an advantage to putting out a news release to the parents of the military. Commissioner Tumey stated that in Benton County, someone has a list of the people in the military. Chairman Brown stated that the military is supposed to notify the troops of an upcoming election.

Chairman Brown stated that Deborah Kilbourne with Absolute Print Solutions would like to come to the next Election Commission meeting to present their services for paper ballot printing. He stated that Washington County uses Absolute Print Solutions to print their paper ballots and that they use

the same ballot style as ES&S. Christine stated that the organizers of this company used to work for ES&S. Chairman Brown asked for comments. Commissioner Anzalone and Tumey agreed that they would like to meet with Absolute Print Solutions.

Adjournment:

Chairman Brown made a motion to adjourn, seconded by Commissioner Tumey. The meeting was adjourned at 1:40 P.M.

Respectfully submitted,

Russell J. Anzalone, Secretary
Prepared by Sharon Rose
Benton County Election Commission